

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

17-CV-3209

17 3209

I. (a) PLAINTIFFS

RODNEY BONAPARTE AND APRIL TILSON

(b) County of Residence of First Listed Plaintiff PHILADELPHIA
(EXCEPT IN U.S. PLAINTIFF CASES)

ALAN E. DENENBERG, ESQUIRE

(c) Attorneys (Firm Name, Address, and Telephone Number)
ABRAMSON & DENENBERG, P.C.
1315 WALNUT ST., 12TH FL., PHILA., PA.
(215) 546-1345DEFENDANTS BENSELEM TOWNSHIP, POLICE
OFFICER JOHN DOE #1 AND #2, WYNDHAM
WORLDWIDE CORP., MAHESH PATEL & JULESBUR
USA, INC. D/B/A KNIGHT'S INN BUCKS
County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

UNKNOWN

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

1 U.S. Government Plaintiff **X3** Federal Question (U.S. Government Not a Party)

2 U.S. Government Defendant **4** Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	X 1	X 1	Incorporated or Principal Place of Business In This State	' 4	' 4
Citizen of Another State	' 2	' 2	Incorporated and Principal Place of Business In Another State	' 5	' 5
Citizen or Subject of a Foreign Country	' 3	' 3	Foreign Nation	' 6	' 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHERSTATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY		<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	PROPERTY RIGHTS	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	355 Motor Vehicle Product Liability		SOCIAL SECURITY	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 190 Other Contract	360 Other Personal Injury		<input type="checkbox"/> 861 HIA (1395ft)	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 195 Contract Product Liability	362 Personal Injury - Medical Malpractice		<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 196 Franchise			<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	<input type="checkbox"/> 864 SSDI Title XVI	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 210 Land Condemnation	X400 Other Civil Rights	Habeas Corpus:	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 463 Alien Detainee		<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 510 Motions to Vacate Sentence		<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General		<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 535 Death Penalty		<input type="checkbox"/> 950 Constitutionality of State Statutes
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	Other:		
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 540 Mandamus & Other		
		<input type="checkbox"/> 550 Civil Rights		
		<input type="checkbox"/> 555 Prison Condition		
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		
			FEDERAL TAX SUITS	
			<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
			<input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
			IMMIGRATION	
			<input type="checkbox"/> 462 Naturalization Application	
			<input type="checkbox"/> 465 Other Immigration Actions	

V. ORIGIN (Place an "X" in One Box Only)

X Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District (Specify) 6 Multidistrict Litigation - Transfer 8 Multidistrict Litigation - Direct File

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): **28 U.S.C. §1331&1343**

Brief description of cause:

FOURTH AMENDMENT-ILLEGAL ENTRY, EXCESSIVE FORCEVII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION DEMANDS CHECK YES only if demanded in complaint:
UNDER RULE 23, F.R.Cv.P. EXCESS OF \$75,000. JURY DEMAND: **XXYes** 'NoVIII. RELATED CASE(S) IF ANY
NONE

(See instructions):

JUDGE

DOCKET NUMBER

DATE

7-18-17

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

JUL 19 2017

UNITED STATES DISTRICT COURT

17

3209

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: **109 EAST DURHAM STREET, PHILA., PA. 19119**

Address of Defendant: **2400 BYBERRY ROAD, BENSALEM, PA. 19020**

Place of Accident, Incident or Transaction: **FEASTERVILLE TREVOS, PA. 19053**

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes No

Does this case involve multidistrict litigation possibilities?

Yes No

RELATED CASE, IF ANY:

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?

Yes No

2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?

Yes No

3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?

Yes No

4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?

Yes No CIVIL: (Place in ONE CATEGORY ONLY)A. *Federal Question Cases:*

1. Indemnity Contract, Marine Contract, and All Other Contracts
2. FELA
3. Jones Act-Personal Injury
4. Antitrust
5. Patent
6. Labor-Management Relations
7. Civil Rights
8. Habeas Corpus
9. Securities Act(s) Cases
10. Social Security Review Cases
11. All other Federal Question Cases

(Please specify) _____

B. *Diversity Jurisdiction Cases:*

1. Insurance Contract and Other Contracts
2. Airplane Personal Injury
3. Assault, Defamation
4. Marine Personal Injury
5. Motor Vehicle Personal Injury
6. Other Personal Injury (Please specify) _____
7. Products Liability
8. Products Liability — Asbestos
9. All other Diversity Cases

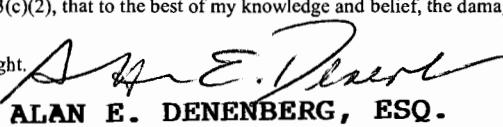
(Please specify) _____

ALAN E. DENENBERG

(Check Appropriate Category)

counsel of record do hereby certify:

✓ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

 Relief other than monetary damages is sought.DATE: **7/18/17**

ALAN E. DENENBERG, ESQ.

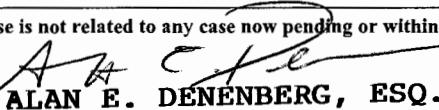
Attorney-at-Law

54161

Attorney I.D.#

JUL 19 2017

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: **7/18/17**

ALAN E. DENENBERG, ESQ.

Attorney-at-Law

54161

Attorney I.D.#

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE MANAGEMENT TRACK DESIGNATION FORM

**RODNEY BONAPARTE AND
APRIL KILSON**

CIVIL ACTION

17

3209

BENSALEM TOWNSHIP, ET AL.

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (x)

7/18/17
Date

ALAN E. DENENBERG
Attorney-at-law

e of the other tracks. (X)


Attorney for Plaintiff
adenenberg@adlawfirm.com

Telephone

FAX Number

(City 660) 10/02

FAX Number

E-Mail Address



ABRAMSON & DENENBERG, P.C.
 BY: ALAN E. DENENBERG, ESQUIRE
 IDENTIFICATION NUMBER: 54161
 1315 WALNUT STREET, 12TH FLOOR
 PHILADELPHIA, PA 19107
 215-546-1345

ATTORNEY FOR PLAINTIFFS

IN THE UNITED STATES DISTRICT COURT
 FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RODNEY BONAPARTE	:	CIVIL ACTION	17	3209
109 EAST DURHAM STREET	:			
PHILADELPHIA, PA 19119	:			
AND	:			
APRIL KILSON	:			
7116 CRITTENDEN STREET	:			
PHILADELPHIA, PA 19119	:			
V.				
BENSALEM TOWNSHIP	:	JURY TRIAL DEMANDED		
2400 BYBERRY ROAD	:			
BENSALEM, PA 19020	:			
AND	:			
POLICE OFFICER JOHN DOE # 1	:			
2400 BYBERRY ROAD	:			
BENSALEM, PA 19020	:			
AND	:	NO.		
POLICE OFFICER JOHN DOE #2	:			
2400 BYBERRY ROAD	:			
BENSALEM, PA 19020	:			
AND	:			
WYNDHAM WORLDWIDE	:			
CORPORATION d/b/a	:			
KNIGHT'S INN FRANCHISE	:			
SYSTEMS, INC.	:			
22 SYLVAN WAY	:			
PARSIPPANY, NJ 07054	:			
AND	:			
MAHESH PATEL d/b/a	:			
KNIGHT'S INN	:			
2707 LINCOLN HIGHWAY	:			
FEASTERVILLE TREAVOSE, PA 19053:				
AND	:			
JULESBURG USA, INC. d/b/a	:			
KNIGHT'S INN	:			
2707 LINCOLN HIGHWAY	:			
FEASTERVILLE TREAVOSE, PA 19053:				

COMPLAINT

1. Plaintiff, Rodney Bonaparte, is an individual and adult citizen of the Commonwealth of Pennsylvania, residing as captioned.
2. Plaintiff, April Kilson, is an individual and adult citizen of the Commonwealth of Pennsylvania, residing as captioned.
3. Defendant, Bensalem Township, is a municipal agency organized and existing under the laws of the Commonwealth of Pennsylvania, which maintains its principal offices as captioned.
4. Defendant, Police Officer John Doe #1, was at all material times a police officer with the Bensalem Police Department.
5. Defendant, Police Officer John Doe #2, was at all material times a police officer with the Bensalem Police Department.
6. Defendant, Wyndham Worldwide Corporation d/b/a Knights Inn Franchise Systems, Inc., is a Delaware Corporation with its headquarters located as captioned.
7. Defendant, Mahesh Patel d/b/a Knight's Inn, is an entity organized and existing under and by virtue of the laws of the Commonwealth of Pennsylvania, with its registered office located as captioned.
8. Defendant Julesburg USA, INC. d/b/a Knight's Inn, is an entity organized and existing under and by virtue of the laws of the Commonwealth of Pennsylvania, with its registered office located as captioned.
9. At all material times, defendant, Bensalem Township, was charged with the responsibility of testing, hiring, training and/or supervising members of the Bensalem Township

including in particular, defendants, Police Officer John Doe #1 and Police Officer John Doe #2.

10. At all material times, defendants, Police Officer John Doe #1 and Police Officer John Doe #2, acted within the course and scope of their employment, under the color of state law and pursuant to the customs, policies and/or practices of the defendant, Bensalem Police Department, and are being sued in their individual capacities.
11. At all material times, defendant, Wyndham Worldwide Corporation d/b/a Knights Inn Franchise Systems, Inc., owns and/or operates Knight's Inn franchises within the State of Pennsylvania.
12. At all material times, defendants, Mahesh Patel and/or Julesburg USA, Inc. d/b/a Knight's Inn, owned and/or operated the Knight's Inn located as captioned above.
13. At all material times, defendants, Mahesh Patel and/or Julesburg USA, Inc. d/b/a Knight's Inn and/or Wyndham Worldwide Corporation d/b/a Knights Inn Franchise Systems, Inc. operated by and through its, agents, servants and/or employees then and there operating within the course and scope of their agency, servanthood and/or employment, and were acting under color of state law, in joint participation with defendants, Police Officer John Doe # 1 and/or Police Officer John Doe.
14. This court has jurisdiction over the Federal law claims pursuant to 28 U.S.C. §§ 1331 and 1343 and jurisdiction over the state law claims pursuant to the principals of pendant and ancillary jurisdiction.
15. Venue is proper under 28 U.S.C. § 1391(b) because the causes of action upon which the complaint is based arose in Bucks County, Pennsylvania, which is in the Eastern District of Pennsylvania.

16. On August 5, 2015 at approximately 7:30 pm, plaintiffs, Rodney Bonaparte and April Kilson, were business invitees staying in a room at the Knight's Inn located at 2707 Lincoln Highway, Feasterville Trevose, PA 19053.
17. At the aforementioned date, time and place, Plaintiff, Rodney Bonaparte heard someone trying to force their way into Plaintiffs' room.
18. Plaintiff, Rodney Bonaparte, heard the commotion and put his clothes on and quickly went to the door to see who was there.
19. Upon opening the door, defendants, Police Officer John Doe #1 and Police Officer John Doe #2, who were dressed in plain clothes with a vest that, said "Police" and without consent, a warrant, exigent circumstances or probable cause forced their way into the Plaintiffs' room.
20. Immediately after illegally entering the Plaintiffs' room, without issuing any verbal commands, and without provocation or legal cause, defendant, Police Officer John Doe #1 and/ or Police Officer John Doe # 2, suddenly and with great force punched Plaintiff, Rodney Bonaparte, in the stomach and stated "what the fuck you doing here".
21. In response, Plaintiff, Rodney Bonaparte, put his hands up.
22. After the Plaintiff, Rodney Bonaparte put his hands up in total submission, again without issuing a verbal command, and without provocation or legal cause, defendant, Police Officer John Doe # 1 and/or Police Officer John Doe # 2, punched the Plaintiff in the chest with such force that Plaintiff, Rodney Bonaparte, fell onto the bed.
23. Defendants, Police Officer John Doe # 1 and/or Police Officer John Doe # 2, then pointed their weapon at the Plaintiff, Rodney Bonaparte, causing him to be in imminent fear for his life.

24. Defendant, Police Officer John Doe # 1 and/or Police Officer John Doe # 2, then pointed their weapon at the Plaintiff, April Kilson, causing her to be in imminent fear for her life.
25. Plaintiff, Rodney Bonaparte, then stated to the Defendants, Police Officer John Doe # 1 and/or Police Officer John Doe # 2 “Don’t shoot me. My uncle’s a cop”.
26. Defendant, Police Officer John Doe # 1 and/or Police Officer John Doe # 2, then stated “Oh shit, we got the wrong room” and abruptly left.
27. After they left Plaintiffs' room, Plaintiff, April Kilson, heard Defendants Police Officers John Doe # 1 and John Doe # 2 randomly attempting to enter other rooms at the Knights Inn.
28. Plaintiff, Rodney Bonaparte, was not resisting arrest and was otherwise compliant and submissive, and the use of force against him was unreasonable under the circumstances in violation of the Plaintiff's rights under the Fourth Amendment.
29. Plaintiff, April Kilson, was not resisting arrest and was otherwise compliant and submissive, and the use of force against her was unreasonable under the circumstances in violation of the Plaintiff's rights under the Fourth Amendment.
30. Defendants, Police Officers John Doe # 1 and John Doe # 2 entered the Plaintiffs' room without consent, a warrant, exigent circumstances or probable cause in violation of their right to be free from illegal entry's under the Fourth Amendment of the United States Constitution
31. At all material times, the defendant, Mahesh Patel and Julesburg USA, Inc d/b/a Knight's Inn, and/or Wyndham Worldwide Corporation d/b/a Knights Inn Franchise Systems, Inc. by and through its, agents, servants and/or employees then and there operating within the course and scope of their agency, servanthood and/or employment, acted in joint participation with defendants, Police Officers John Doe # 1 and John Doe #

2, and under color of state law, by facilitating the entry into the Plaintiffs' room, and giving Defendants their consent, authorization, cooperation and/or agreement to illegally enter the Plaintiffs' room in violation of the Plaintiffs' rights under the Fourth Amendment.

32. The foregoing conduct of the defendants, Bensalem Township, Police Officer John Doe # 1, Police Officer John Doe # 2, Wyndham Worldwide Corporation d/b/a Knight's Inn Franchise Systems, Inc, and/or Mahesh Patel and Julesburg USA, Inc. d/b/a Knight's Inn, was undertaken as part of a concerted effort and conspiracy to deprive Plaintiffs, Rodney Bonaparte and April Kilson of their rights under the Fourth Amendment.

33. The acts of the defendants, Bensalem Township, Police Officer John Doe # 1, Police Officer John Doe # 2, Wyndham Worldwide Corporation d/b/a Knight's Inn Franchise Systems, Inc, and/or Mahesh Patel and Julesburg USA, Inc. d/b/a Knight's Inn, were committed recklessly, wantonly, maliciously, intentionally, outrageously and/or deliberately without just or probable cause or any other legal justification.

34. As a direct and proximate result of the aforementioned actions of the defendants, Bensalem Township, Police Officer John Doe # 1, Police Officer John Doe # 2, Wyndham Worldwide Corporation d/b/a Knight's Inn Franchise Systems, Inc, and/or Mahesh Patel and Julesburg USA, Inc. d/b/a Knight's Inn, plaintiff, Rodney Bonaparte, suffered injuries including but not limited to: bruises to his stomach and chest, lower back pain and stiffness of his spine.

35. As a direct and proximate result of the aforementioned actions of the defendants, Bensalem Township, Police Officer John Doe # 1, Police Officer John Doe # 2, Wyndham Worldwide Corporation d/b/a Knight's Inn Franchise Systems, Inc, and/or

Mahesh Patel and Julesburg USA, Inc. d/b/a Knight's Inn, plaintiff, April Kilson, suffered injuries including but not limited to: emotional distress.

36. As a direct and proximate result of the aforementioned actions of the defendants, Bensalem Township, Police Officer John Doe # 1, Police Officer John Doe # 2, Wyndham Worldwide Corporation d/b/a Knight's Inn Franchise Systems, Inc, and/or Mahesh Patel and Julesburg USA, Inc. d/b/a Knight's Inn, plaintiffs, Rodney Bonaparte and April Kilson, were forced to receive and undergo medical care and treatment and have been obliged to and may continue to expend various sums of money and to incur various expenditures for medical expenses for an indefinite period of time in the future, to their great detriment and loss.

37. As a direct and proximate result of the aforementioned actions of the defendants, Bensalem Township, Police Officer John Doe # 1, Police Officer John Doe # 2, Wyndham Worldwide Corporation d/b/a Knight's Inn Franchise Systems, Inc, and/or Mahesh Patel and Julesburg USA, Inc. d/b/a Knight's Inn, plaintiffs, Rodney Bonaparte and April Kilson, have and may hereafter incur other financial expenses and losses.

COUNT I- 42 U.S.C. §1983
FOURTH AMENDMENT-- ILLEGAL ENTRY
RODNEY BONAPARTE AND APRIL KILSON v. POLICE OFFICER JOHN DOE # 1 AND
POLICE OFFICER JOHN DOE# 2

38. Paragraphs 1-37 are incorporated herein by reference, as though each were fully set forth herein at length.

39. As aforesaid, defendants, Police Officer John Doe # 1 and/or Police Officer John Doe # 2, acting within the course and scope of their employment, under color of state law and pursuant to the customs, policies, and practices of the defendant Bensalem Township, and the Bensalem Township Police Department, did deprive the Plaintiffs of their rights to be

free from illegal entries, without consent, a warrant, exigent circumstances, probable cause or any other legal justification, in violation of the Plaintiffs' rights under the Fourth Amendment, as incorporated and applied to the States through the Fourteenth Amendment of the Constitution of the United States.

40. As a direct and proximate result of the intentional, malicious and/or reckless actions of the defendants, Police Officer John Doe # 1 and/ or Police Officer John Doe # 2, the Plaintiffs suffered damages, as described above.
41. The actions of the defendants, Police Officer John Doe # 1 and/or Police Officer John Doe # 2, in their individual capacities, were so malicious, intentional and reckless and displayed such a reckless indifference to the Plaintiffs' rights and well being, that the imposition of punitive damages is warranted.

WHEREFORE, Plaintiffs, Rodney Bonaparte and April Kilson, demand compensatory and punitive damages against defendants, Police Officer John Doe # 1 and Police Officer John Doe # 2, jointly and/or severally, in an amount sufficient to fairly and adequately compensate the plaintiffs and punish and deter such conduct on the part of defendants, along with interest, costs, attorney's fees and other appropriate relief.

COUNT II- 42 U.S.C. §1983
EXCESSIVE FORCE/ FOURTH AMENDMENT
RODNEY BONAPARTE AND APRIL KILSON v. POLICE OFFICER JOHN DOE # 1 AND
POLICE OFFICER JOHN DOE # 2

42. Paragraphs 1-41 are incorporated herein by reference, as though each were fully set forth herein at length.
43. As aforesaid, defendants, Police Officer John Doe # 1 and/or Police Officer John Doe # 2, acting within their course and scope of employment, under the color of state law and pursuant to the customs, policies and/or practices of the defendant, Bensalem Township

and the Bensalem Township Police Department, deprived Plaintiffs, Rodney Bonaparte and April Kilson, of their rights, privileges and immunities under the Laws and Constitutions of the United States; in particular, the right to be free from excessive use of force and unlawful seizure which violated the Plaintiff's rights under the Fourth Amendment to the Constitution of the United States and the Laws of the United States.

44. As detailed above, defendants, Police Officer John Doe # 1 and/or Police Officer John Doe # 2, acting within the course and scope of their employment, under the color of state law, and pursuant to the customs, policies and/or practices of the defendant, Bensalem Township and the Bensalem Township Police Department, by their actions, intentionally, recklessly and/or maliciously assaulted and battered Plaintiffs Rodney Bonaparte and April Kilson.

45. As a direct and proximate result of the malicious, intentional and/or reckless actions of the defendants, Police Officer John Doe # 1 and/or Police Officer John Doe # 2, the Plaintiffs, Rodney Bonaparte and April Kilson, suffered injuries that are described more fully above.

46. The above described actions of the defendants, Police Officer John Doe # 1 and/or Police Officer John Doe # 2, were so malicious, intentional and reckless and displayed such a reckless indifference to the plaintiffs' rights and well being that the imposition of punitive damages is warranted.

WHEREFORE, Plaintiffs, Rodney Bonaparte and April Kilson, demand compensatory and punitive damages against defendants, Police Officer John Doe # 1 and Police Officer John Doe # 2, for an amount sufficient to fairly and adequately compensate the Plaintiffs, along with interest, costs, attorney's fees and other appropriate relief.

COUNT III- 42 U.S.C. §1983

CONSPIRACY

**RODNEY BONAPARTE AND APRIL KILSON v. POLICE OFFICER JOHN DOE # 1 AND
POLICE OFFICER JOHN DOE # 2**

47. Paragraphs 1-46 are incorporated herein by reference, as though each were fully set forth herein at length.
48. As aforesaid, the defendants, Police Officer John Doe # 1 and Police Officer John Doe # 2, entered into a conspiracy to illegally enter the hotel room, unlawfully seize the Plaintiffs, subject them to excessive force and deny their rights under the Fourth Amendment.
49. Defendants, Police Officer John Doe # 1 and Police Officer John Doe # 2, took concerted acts in furtherance of that conspiracy, including entering into an agreement to enter the Plaintiffs' room without consent, a warrant, exigent circumstances or probable cause.
50. Defendants, Police Officer John Doe # 1 and Police Officer John Doe # 2, took concerted acts in furtherance of that conspiracy by attempting to "manufacture" a legal basis to enter the Plaintiffs' room, when none existed.
51. Defendants, Police Officer John Doe # 1 and Police Officer John Doe # 2, performed concerted, overt acts in furtherance of their conspiracy to violate the Plaintiff's Fourth Amendment rights, and were acting in accordance with an agreement or meeting of the minds between and among them.
52. As a direct and proximate result of the malicious, intentional and/or reckless actions of defendants, Police Officer John Doe # 1 and Police Officer John Doe # 2, the Plaintiff suffered injuries, which are described above.
53. The aforesaid actions of defendants, Police Officer John Doe # 1 and Police Officer John Doe # 2, in their individual capacities were so malicious, intentional and/or reckless and

displayed such a reckless indifference to the plaintiffs' rights and well being that the imposition of punitive damages is warranted.

WHEREFORE, Plaintiffs, Rodney Bonaparte and April Kilson, demand compensatory and punitive damages against defendants, Police Officer John Doe # 1 and Police Officer John Doe # 2, jointly and/or severally, in an amount sufficient to fairly and adequately compensate the plaintiff and punish and deter such conduct on the part of defendants, along with interest, costs, attorney's fees and other appropriate relief.

COUNT IV- 42 U.S.C. 1983

JOINT PARTICIPATION/ CONSPIRACY

RODNEY BONAPARTE AND APRIL KILSON v. MAHESH PATEL D/B/A KNIGHT'S INN AND JULESBURG USA, INC, D/B/A KNIGHT'S INN AND WYNDHAM WORLDWIDE CORPORATION D/B/A KNIGHT'S INN FRANCHISE SYSTEMS, INC. AND POLICE OFFICER JOHN DOE # 1 AND POLICE OFFICER JOHN DOE # 2

54. Paragraphs 1-53 are incorporated herein by reference, as though each were fully set forth herein at length.

55. As aforesaid, the defendants, Mahesh Patel d/b/a Knight's Inn and Julesburg USA, Inc. d/b/a Knight's Inn, and/or Wyndham Worldwide Corporation d/b/a Knight's Inn Franchise Systems, Inc, acting in joint participation with defendants, Police Officers John Doe # 1 and # 2, gave their consent, authorization, cooperation and/or agreement to the aforesaid defendants, and facilitated their illegal entry into Plaintiffs' room at the Knight's Inn at 1 Lincoln Highway, Feasterville Treavose, Pennsylvania, 19053.

56. All defendants knew that there was no consent, warrant, exigent circumstances or probable cause that would allow defendants Police Officers John Doe # 1 and # 2 to legally enter the Plaintiffs' room, but nonetheless took concerted acts in furtherance of that conspiracy to allow the illegal entry into the room, including, but not limited to, defendants Mahesh Patel and Julesburg USA, Inc d/b/a Knight's Inn and/or Wyndham

Worldwide Corporation d/b/a Knight's Inn Franchise Systems, Inc expressly authorizing and consenting to the illegal entry, and then facilitating defendants Police Officers John Doe # 1 and # 2 efforts to illegally enter the room.

57. As a direct and proximate result, the plaintiffs, Rodney Bonaparte and April Kilson, were deprived of their right to be free from illegal entries in violation of the Plaintiffs' rights under the Fourth Amendment, as incorporated and applied to the States through the Fourteenth Amendment of the Constitution of the United States.

WHEREFORE, Plaintiffs, Rodney Bonaparte and April Kilson, demand compensatory and punitive damages against defendants, Wyndham Worldwide Corporation d/b/a Knight's Inn Franchise Systems, Inc, and Mahesh Patel d/b/a Knight's Inn, and Julesburg USA, Inc. d/b/a Knight's Inn, and Police Officer John Doe # 1, Police Officer John Doe # 2, jointly and/or severally, in an amount sufficient to fairly and adequately compensate the plaintiff and punish and deter such conduct on the part of defendants, along with interest, costs, attorney's fees and other appropriate relief.

COUNT V- 42 U.S.C. § 1983

MONELL CLAIM / UNCONSTITUTIONAL CUSTOM, POLICY AND PRACTICE
RODNEY BONAPARTE AND APRIL KILSON V. BENSELEM TOWNSHIP

58. Paragraphs 1-57 are incorporated herein by reference, as though each were fully set forth herein at length.

59. Plaintiffs believe and therefore aver that the defendant, Bensalem Township and Bensalem Township Police Department, has adopted and maintained for many years a recognized and accepted custom and/or practice of systematically allowing and/or encouraging the intentional and/or reckless illegal entry, false arrest, unlawful seizure, and excessive force of suspects, and subjecting individuals to the same type of treatment

to which plaintiff was subjected, including excessive force, which custom and/or practice violates the Fourth Amendment of the Constitution of the United States.

60. Plaintiffs believe and therefore aver, that at the time they were subjected to an illegal entry, unlawful seizure and excessive force, the defendant, Bensalem Township, knew or should have known of the aforesaid-described custom and/or practice of the Bensalem Township Police Department based upon the prior lawsuit of Vernon Coates, Et. Al vs. Bensalem Twsp. Et. Al. Civ. Action No. 03-920, and it deliberately, knowingly and/or recklessly failed to take measures to stop or limit the custom and/or practice, including, inter alia, providing proper training, supervision, discipline and control of the officers, agents and/or employees of the Bensalem Township Police Department.

61. By failing to take action to stop or limit the aforesaid custom and/or practice, and by remaining deliberately indifferent to the systematic abuses which occurred in accordance with and as a direct and proximate result of the custom and/or practice, defendant, Bensalem Township, condoned, acquiesced in, participated in and perpetrated the custom and/or practice, in violation of the Plaintiffs' rights under the Fourth Amendment of the Constitution of the United States.

62. As a direct and proximate result of the malicious, intentional and/or reckless actions of the defendant, Bensalem Township, the Plaintiffs suffered injuries that are described above.

WHEREFORE, pursuant to 42 U.S.C. §§ 1983 and 1988, Plaintiffs, Rodney Bonaparte and April Kilson, demand compensatory damages against defendant, Bensalem Township, in an amount sufficient to fairly and adequately compensate the Plaintiffs, along with interest, costs, attorney's fees and other appropriate relief.

COUNT VI- STATE LAW

INTENTIONAL INFILCTION OF EMOTIONAL DISTRESS

RODNEY BONAPARTE AND APRIL KILSON v. POLICE OFFICER JOHN DOE 1,
POLICE OFFICER JOHN DOE 2, WYNDHAM WORLDWIDE CORPORATION d/b/a
KNIGHT'S INN FRANCHISE SYSTEMS, INC. AND MAHESH PATEL d/b/a
JULESBURG USA, INC. d/b/a KNIGHT'S INN

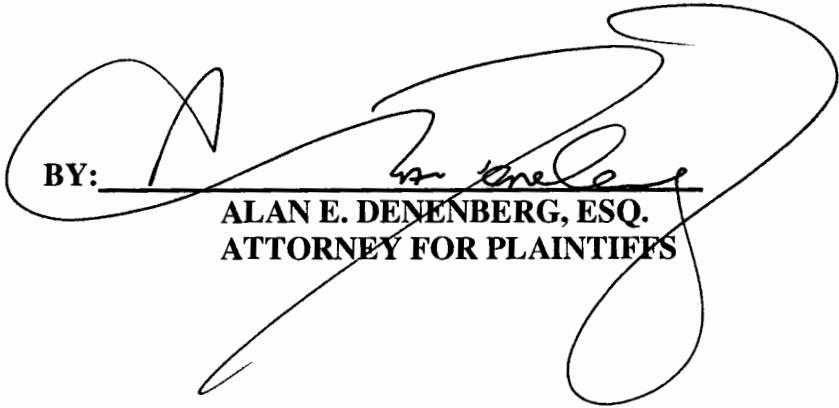
63. Paragraphs 1-62 are incorporated herein by reference, as though each were fully set forth herein at length.

64. As aforesaid, the intentional and/or reckless conduct of defendants, Police Officer John Doe # 1, Police Officer John Doe # 2, Wyndham Worldwide Corporation d/b/a Knight's Inn Franchise Systems, Inc, Mahesh Patel d/b/a Knight's Inn, and/or Julesburg USA, Inc. d/b/a Knight's Inn was extreme and outrageous and without just or probable cause or any other legal justification.

65. As a direct and proximate result of the aforementioned actions of the defendants, Police Officer John Doe # 1, Police Officer John Doe # 2, Wyndham Worldwide Corporation d/b/a Knight's Inn Franchise Systems, Inc, and/or Mahesh Patel d/b/a Knight's Inn, and/or Julesburg USA, Inc. d/b/a Knight's Inn, Plaintiffs, Rodney Bonaparte and April Kilson, suffered severe emotional distress.

WHEREFORE, Plaintiffs, Rodney Bonaparte and April Kilson, demand compensatory and punitive damages against defendants, Police Officer John Doe # 1, Police Officer John Doe # 2, Wyndham Worldwide Corporation d/b/a Knight's Inn Franchise Systems, Inc, and/or Mahesh Patel d/b/a Knight's Inn, and/or Julesburg USA, Inc. d/b/a Knight's Inn, jointly and/or severally, in an amount sufficient to fairly and adequately compensate the plaintiff and punish and deter such conduct on the part of defendants, along with interest, costs, attorney's fees and other appropriate relief.

ABRAMSON & DENENBERG, P.C.

BY: 

**ALAN E. DENENBERG, ESQ.
ATTORNEY FOR PLAINTIFFS**